IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

WRIT PETITION NO : 18285 of 1994

Between:

G.Kasi Visweswara Rao, S/o. Sri Venkataramana alias Devudu,
Hindu, aged 43 years, R/o. Chodavaram, Visakhapatnam District.

..... PETITIONER

AND

1.The Girijan Corporation Limited, Visakhapatnam, rep. by its

Chairman and Board of Directors, Visakhapatnam.

2.The Vice Chairman and Mangaging Director, Girijan Co-operative

Corporation, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for records relating to the Proceedings R.C.No. 5440/91 Admn.II-B dated 07.03.1994 issued by the 2nd respondent and its consequential Proceedings R.C.No.5440/91 Admn.II-B, dated 26.08.1994 issued by the 1st respondent and quash the same by holding the action of the respondents is illegal, unjust and without holding proper enquiry terminating the service of the petitioner is illegal, bad arbitrary and subversive of Articles 14,16 and 311 (2) of the Constitution of India and opposed to all principles of equity, justice and fair play .

Counsel for the Petitioner:MR.G.PRAMOD KUMAR

Counsel for the Respondents: MR.N.SRIDHAR REDDY

The Court made the following :

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

WRIT PETITION NO.18285 OF 1994

O R D E R:

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This writ petition is filed with a prayer as follows:

> " ……to call for records relating to the proceedings R.C.No.5440/91 Admn.II-B dated 07.03.1994 issued by the 2nd respondent and its consequential proceedings R.C.No.5440/91 Admn.II-B, dated 26.08.1994 issued by the first respondent and quash the same by holding the action of the respondents is as illegal, unjust and without holding proper enquiry terminating the service of the petitioner is as illegal, bad, arbitrary and subversive of Articles 14, 16 and 311(2) of the constitution of India and opposed to all principles of equity, justice and fair play."

2 . The writ petitioner is an employee of the respondent-Girijan Co-operative Corporation, Visakhapatnam. On a serious charge of misappropriation to a tune of Rs.10,28,699-49 paise a disciplinary action was initiated against the writ petitioner. A detailed enquiry was conducted. Thereafter, in view of the findings, the petitioner was found guilty of the charge and he was removed from service. Aggrieved by the said decision, the petitioner preferred an appeal to the Board of Directors of the Corporation. The Board of Directors, under the proceedings in Rc.No.5440/91/Admn.II.B dated 26.08.1994 rejected the appeal and hence the writ petition.

3. The only submission made by the petitioner is that the appellate authority passed a laconic order and did not discuss the merits of the appeal and therefore, the appellate order is vitiated. In support of his submission the learned counsel relied upon a decision in **HVPNL v. MAHAVIR .** This short order of the Supreme Court could be conveniently extracted as it is:

> " In a number of cases coming up in appeal in this Court, we find that the State Consumer Disputes Redressal Commission, Haryana at Chandigarh is passing a standard order in the following terms:
>
> " We have heard the Law Officer of HVPN – appellant and have also perused the impugned order. We do not find any legal infirmity in the detailed and well-reasoned order passed by District Forum, Kaithal. Accordingly, we uphold the impugned order and dismiss the appeal."
>
> We may point out that while dealing with a first appeal, this is not the way to dispose of the matter. The appellate forum is bound to refer to the pleadings of the case, the submissions of the counsel, necessary points for consideration, discuss the evidence

and dispose of the matter by giving valid reasons. It is very easy to dispose of any appeal in this fashion and the higher courts would not know whether learned State Commission had applied its mind to the case. We hope that such orders will not be passed by the State Consumer Disputes Redressal Commission, Haryana at Chandigarh in future. A copy of this order may be communicated to the Commission.

Issue notice for remand of the matter to the State Commission, for disposal afresh in accordance with law.

Status quo, as of today, shall be maintained by the parties."

In the said order the Supreme Court deprecated the practice of disposing of appeals by laconic orders without referring either the pleadings or points involved in the matter. But it must be remembered such deprecation was made in the context of a statutory appellate authority headed by a judicial officer. Nothing is brought to my notice to establish that the admonition made by the Supreme Court would apply to the non-statutory appellate authorities, more particularly, in the context of internal appeals by an employee to higher authorities in the management. Apart from that there is nothing on record, at any rate, brought to my notice to demonstrate that the petitioner has any right of appeal. As such I do not see any merits in the writ petition.

4. The writ petition is accordingly dismissed. No costs.

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J.CHELAMESWAR,J.

Date: 09th September, 2004

*BSB/KNK

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Chairman and Board of Directors,

The Girijan Corporation Limited, Visakhapatnam.

2. The Vice Chairman and Managing Director,

Girijan Co-operative Corporation, Visakhapatnam.

3. Two CD copies.